

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM SELLERS,

Plaintiff,

v.

PIERCE COUNTY SUPERIOR COURT,
et al.,

Defendants.

Case No. 3:18-cv-05954-RJB-TLF

REPORT AND
RECOMMENDATION

NOTED: MARCH 15, 2019

Plaintiff filed a proposed civil rights complaint under 42 U.S.C. § 1983 (Dkt. 1). To file a complaint and initiate legal proceedings plaintiff must pay a Court filing fee of \$400.00 or file a proper application to proceed *in forma pauperis* (IFP). Local Civil Rule 3(b), (c).

Plaintiff filed his proposed complaint on November 19, 2018. Dkt. 1. That same day, the Clerk's Office sent plaintiff a letter informing plaintiff that his application was deficient—namely, that it did not include either the \$400.00 filing fee or an application to proceed IFP—and giving plaintiff until December 21, 2018 to provide either the filing fee or the IFP application. Dkt. 2.

In an order entered January 2, 2019, the Court directed plaintiff to pay the filing fee or file a proper IFP application. Dkt. 3. The Court informed plaintiff that “[f]ailure to cure the deficiency by [February 4, 2019] shall be deemed a failure to properly prosecute this matter, resulting in a recommendation that this matter be dismissed.” *Id.* (emphasis omitted).

1 To date, plaintiff has not paid the filing fee or filed a proper IFP application. Accordingly
2 the undersigned recommends that the Court DISMISS the complaint without prejudice for failure
3 to prosecute.

4 The parties have **fourteen (14) days** from service of this Report and Recommendation to
5 file written objections thereto. 28 U.S.C. § 636(b)(1); FRCP 6; FRCP 72(b). Failure to file
6 objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474
7 U.S. 140 (1985). Accommodating this time limitation, this matter shall be set for consideration
8 on **March 15, 2019** as noted in the caption.

9 Dated this 27th day of February, 2019.

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Theresa L. Fricke
13 United States Magistrate Judge
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